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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

AT YAKIMA

STATE OF WASHINGTON, STATE OF COLORADO, STATE OF CONNECTICUT, STATE OF ILLINOIS, STATE OF MARYLAND, STATE OF MICHIGAN, STATE OF MINNESOTA, STATE OF NEVADA, STATE OF NEW MEXICO, STATE OF OREGON, STATE OF RHODE ISLAND, STATE OF VERMONT, COMMONWEALTH OF VIRGINIA, and STATE OF WISCONSIN.

NO. 1:20-cv-03127-SAB

**DEFENDANTS' UNOPPOSED
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
COMPLAINT**

NOTING DATE: October 22, 2020
Without Oral Argument

Plaintiffs,

V.

DONALD J. TRUMP, in his official capacity as President of the United States of America; UNITED STATES OF AMERICA; LOUIS DEJOY, in his official capacity as Postmaster General; UNITED STATES POSTAL SERVICE.

Defendants.

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2 **UNOPPOSED MOTION FOR EXTENSION OF TIME**

3 **TO RESPOND TO COMPLAINT**

4 Pursuant to Federal Rule of Civil Procedure 6(b), Defendants hereby move the
 5 Court to extend Defendants' deadline for answering or moving to dismiss Plaintiffs'
 6 Complaint from October 26, 2020 to November 25, 2020.

7 As the Court is aware, the Postal Service is currently a defendant in numerous
 8 lawsuits throughout the country related to its policies for the processing of election
 9 mail. These litigations require the dedication of significant resources on multiple
 10 tasks, including the implementation of multiple preliminary injunction provisions
 11 that include periodic reporting requirements.¹ The U.S. District Court for the District
 12 of Columbia has also granted plaintiffs' motion for expedited consideration of (i)
 13 plaintiffs' motion for summary judgment in *New York v. Trump*, 20-cv-2340
 14 (D.D.C.), with defendants' opposition and cross motion for summary judgment due
 15 October 26, 2020, and their reply due November 2, 2020, and (ii) plaintiffs' motion
 16 to enforce in *Vote Forward v. DeJoy*, 20-cv-2405 (D.D.C.), *NAACP v. USPS*, 20-cv-
 17 2296 (D.D.C.), and *Richardson v. Trump*, 20-cv-2406 (DDC), with defendants'
 18 opposition due October 23, 2020. Defendants also have upcoming deadlines in a
 19 case pending in the U.S. District Court for the Southern District of Florida,
 20 *1199SEIU United Healthcare Workers East v. DeJoy*, No. 20-cv-2409 (S.D. Fla.),
 21 with briefing due on Tuesday, October 27, and a hearing set for Wednesday,
 22 October 28. Moreover, the individuals at the Postal Service who litigation counsel
 23 would be required to consult on any filing are currently focused on operational
 24 efforts in support of the Election.

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26 ¹ See, e.g., *Pennsylvania v. DeJoy*, 20-cv-4096, ECF No. 63 (E.D. Pa. Sept. 28, 2020), as modified
 27 by ECF No. 70; *Jones v. USPS*, 20-cv-6516, ECF No. 57 (S.D.N.Y. Sept. 25, 2020), as modified
 by ECF No. 66.

1 The requested extension will not prejudice Plaintiffs because the Court has
2 already issued a preliminary injunction governing Defendants' handling of mail,
3 including Election Mail, as requested by Plaintiffs. Defendants have conferred with
4 Plaintiffs, and Plaintiffs do not object to Defendants' requested extension.

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Dated: October 22, 2020

Respectfully submitted,

**JEFFREY BOSSERT CLARK
Acting Assistant Attorney General**

ERIC R. WOMACK
Assistant Director, Federal Programs Branch

/s/ Joseph E. Borson
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, I electronically filed the foregoing Motion for Extension of Time with the Clerk by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: October 22, 2020

By: /s/ Joseph E. Borson
Joseph E. Borson

Counsel for Defendants